

I certify that the attached is a true and correct copy of HB 1291, which was filed of record on 2-19-81 and referred to the committee on:

Natural Resources

FILED FEB 19 1981

*Betty M. Mearns*  
Chief Clerk of the House

By G. Hill

H. B. No. 1291

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of irrigators and installers of irrigation systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. DEFINITIONS. In this Act:

(1) "Person" means a natural person.

(2) "Board" means the Texas Board of Irrigators.

(3) "Executive director" means the executive director of the Texas Department of Water Resources.

(4) "Executive secretary" means the executive secretary of the board.

(5) "Commission" means the Texas Water Commission.

(6) "Irrigation system" means an assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control.

(7) "Irrigator" means a person who sells, designs, installs, maintains, alters, repairs, or services an irrigation system, including a person who connects an irrigation system in and to a private or public, raw or potable water supply system or other

1 water supply system. The term does not include a person who  
2 assists in the maintenance, alteration, repair, or service of an  
3 irrigation system under the direct supervision of a licensed  
4 irrigator or an owner of a business that regularly employs a  
5 licensed irrigator who directly supervises the firm's sale, design,  
6 maintenance, alteration, repair, and service of irrigation systems.

7 (8) [~~7~~] "Licensed irrigator" means an irrigator who is [a  
8 person] licensed under this Act [who-maintains-a-regular--place--of  
9 business--and--who-by-himself-or-herself-or-through-a-person-in-his  
10 or--her--employ--sells,--designs,--consults,--installs,--maintains,  
11 alters,--repairs,--or-services-an-irrigation-system-or-yard-sprinkler  
12 system--including--connections-in-and-to-a-private-or-public-raw-or  
13 potable-water-supply-or-water-supply-system].

14 (9) "Installer" means a person who actually connects an  
15 irrigation system to a private or public, raw or potable water  
16 supply system or other water supply system.

17 (10) [~~8~~] "Licensed installer" means an installer who is  
18 licensed under this Act [a--person--who--performs--the--actual  
19 connection-to--private--or--public--raw--or--potable--water--supply  
20 systems].

21 SECTION 2. Sections 5(a) and (b), Chapter 197, Acts of the  
22 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil  
23 Statutes), are amended to read as follows:

24 (a) The board may employ an executive secretary [~~approved-by~~  
25 ~~the--executive--director~~] to perform the duties and functions  
26 provided by this Act and as directed by the board. The executive  
27 secretary may employ necessary staff members who are approved by

1 the board to assist the executive secretary and the board in the  
2 administration of this Act.

3 (b) The executive director may also [~~shall~~] provide  
4 necessary personnel as available to assist the executive secretary  
5 and the board in performing their duties and functions under this  
6 Act.

7 SECTION 3. Section 8(a), Chapter 197, Acts of the 66th  
8 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
9 amended to read as follows:

10 (a) No person may act as an [~~a--licensed~~] irrigator or  
11 [~~licensed~~] installer unless he or she has a valid certificate of  
12 registration under this Act.

13 SECTION 4. Section 12(a), Chapter 197, Acts of the 66th  
14 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
15 amended to read as follows:

16 (a) A person who represents himself or herself as a licensed  
17 irrigator or licensed installer in this state without being  
18 licensed [~~registered--or-exempted~~] under this Act, who presents or  
19 attempts to use as his or her own the certificate of registration  
20 or the seal of another person who is a licensed irrigator or  
21 licensed installer, who gives false or forged evidence of any kind  
22 to the board or to any member of the board in obtaining or  
23 assisting in obtaining for another a certificate of registration,  
24 or who violates a provision of this Act or a rule adopted under  
25 this Act shall be guilty of a Class C misdemeanor. Each day a  
26 violation of this subsection occurs constitutes a separate offense.

27 SECTION 5. Section 3 of this Act takes effect April 1, 1982.

1 The remainder of this Act takes effect September 1, 1981.

2 SECTION 6. The importance of this legislation and the  
3 crowded condition of the calendars in both houses create an  
4 emergency and an imperative public necessity that the  
5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

1ST PRINTING

By Hill of Travis

H.B. No. 1291

Substitute the following for H.B. No. 1291:

By Cockerham

C.S.H.B. No. 1291

## A BILL TO BE ENTITLED

### AN ACT

relating to the regulation of irrigators and installers of irrigation systems; amending Sections 1, 5(a) and (b), 8(a), and 12(a), Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1, Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is amended to read as follows:

Section 1. DEFINITIONS. In this Act:

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(6) "Irrigation system" means an assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control.

(7) "Irrigator" means a person who sells, designs, consults, installs, maintains, alters, repairs, or services an irrigation

1 system including the connection of such system in and to a private  
2 or public, raw or potable water supply system or any water supply.  
3 The term does not include (a) a person who assists in the  
4 installation, maintenance, alteration, repair, or service of an  
5 irrigation system under the direct supervision of a licensed  
6 irrigator, and (b) an owner of a business that regularly employs a  
7 licensed irrigator who directly supervises the business's sale,  
8 design, consultation, installation, maintenance, alteration,  
9 repair, and service of irrigation systems.

10 (8) [~~7~~] "Licensed irrigator" means an irrigator who is [a  
11 person] licensed under this Act [~~who-maintains-a-regular-place-of~~  
12 ~~business-and-who-by-himself-or-herself-or-through-a-person--in--his~~  
13 ~~or--her--employ--seals,--designs,--consults,--installs,--maintains,~~  
14 ~~alters,--repairs,--or-services-an-irrigation-system-or-yard-sprinkler~~  
15 ~~system-including-connections-in-and-to-a-private-or-public--raw--or~~  
16 ~~potable-water-supply-or-water-supply-system~~].

17 (9) "Installer" means a person who actually connects an  
18 irrigation system to a private or public, raw or potable water  
19 supply system or any water supply.

20 (10) [~~8~~] "Licensed installer" means an installer who is  
21 licensed under this Act [~~a--person--who--performs--the---actual~~  
22 ~~connection--to--private--or--public--raw--or--potable--water-supply~~  
23 ~~systems~~]."

24 Sec. 2. Sections 5(a) and (b), Chapter 197, Acts of the 66th  
25 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes),  
26 are amended to read as follows:

27 (a) The board may employ an executive secretary [~~approved-by~~

1 ~~the--executive--director~~] to perform the duties and functions  
 2 provided by this Act and as directed by the board. On approval of  
 3 the board the executive secretary may contract with the executive  
 4 director for staff necessary to assist in the administration of  
 5 this Act. In the event staff is unavailable through contract, the  
 6 executive secretary with approval of the board and the executive  
 7 director may employ such staff.

8 (b) The executive director shall provide necessary services  
 9 ~~[personnel]~~ as available to assist the executive secretary and the  
 10 board in performing their duties and functions under this Act.

11 Sec. 3. Section 8(a), Chapter 197, Acts of the 66th  
 12 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
 13 amended to read as follows:

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 15 ~~[licensed]~~ installer unless he or she has a valid certificate of  
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 18 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
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20 (a) A person who represents himself or herself as a licensed  
 21 irrigator or licensed installer in this state without being  
 22 licensed ~~[registered]~~ or exempted under this Act, who presents or  
 23 attempts to use as his or her own the certificate of registration  
 24 or the seal of another person who is a licensed irrigator or  
 25 licensed installer, who gives false or forged evidence of any kind  
 26 to the board or to any member of the board in obtaining or  
 27 assisting in obtaining for another a certificate of registration,

1 or who violates a provision of this Act or a rule adopted under  
2 this Act shall be guilty of a Class C misdemeanor. Each day a  
3 violation of this subsection occurs constitutes a separate  
4 offense."

5 Sec. 5. EMERGENCY. The importance of this legislation and  
6 the crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.



COMMITTEE REPORT

The Honorable Bill Clayton  
Speaker of the House of Representatives

4/21/81  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES, to whom was referred HB 1291, have had the same under consideration and beg to report back with the recommendation that it (measure)

- ( ) do pass, without amendment.
- ( ) do pass, with amendment(s).
- (✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (✓) yes ( ) no

An author's fiscal statement was requested. ( ) yes (✓) no

An actuarial analysis was requested. ( ) yes (✓) no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure (✓) proposes new law.  
(✓) amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_.

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Craddick, Ch.		✓		
Geistweidt, V.C.	✓			
Laney, C.B.O.	✓			
Buchanan	✓			
Clark, J.	✓			
Cockerham	✓			
Lyon				✓
McWilliams	✓			
Patrick	✓			
Patterson	✓			
Staniswalis				✓

Total  
8 aye  
1 nay  
2 present, not voting  
2 absent

John Craddick  
CHAIRMAN  
Reynolds  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background Information

The 66th Legislature (in 1979) created the Texas Board of Irrigators for the purposes of licensing irrigators and installers. Under the current law certain people are exempted from the Act including people licensed by the State Board of Plumbing Examiners, registered professional engineers or architects or landscape architects if their work is incidental to the pursuit of their profession, irrigation or yard sprinkler work done by a property owner or maintenance person, etc. Currently the board has only one full-time employee, an executive secretary with the staff of the Texas Department of Water Resources, performing many of the administrative chores of the board.

### Purpose of the Bill

C.S.H.B. 1291 would make more precise the definitions for "licensed irrigator" and "licensed installer." Provides for necessary services, or additional staff members to be contracted for or employed directly by the Board of Irrigators.

### Section by Section Analysis

Section 1: Defines more accurately the terms "licensed irrigator" and "licensed installer." Adds definitions for "irrigator" and "installer."

Section 2: Provides that the executive secretary may contract with the Texas Department of Water Resources (TDWR) for staff; if TDWR staff is unavailable, the executive secretary may, upon approval by the Board of Irrigators and the TDWR executive director, employ staff. Deletes the requirement that the executive director of the Department of Water Resources must provide personnel to assist the executive secretary, requiring instead that necessary services shall be provided.

Section 3: Conforms Section 8(a) to the new definitions.

Section 4: Makes it clear that a person representing himself as being licensed when that person is not licensed is guilty of a Class C misdemeanor.

Section 5: Provides that Section 3 of the Act takes effect April 1, 1982, with the balance of the Act to be effective September 1, 1981.

Section 6: Emergency Clause.

### Rulemaking Authority

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department, or institution.

### Summary of Committee Action

Public notice having been posted in accordance with the Rules of the House, the Committee on Natural Resources heard H.B. No. 1291 in public hearing on March 10, 1981.

Mr. S. Dale Ousley, representing the Texas Board of Irrigators, testified in favor of the bill. Mr. Harvey Davis, Executive Director of the Texas Department of Water Resources, testified as a resource witness. Mr. Philip D. Creer, Executive Director of the

Texas Board of Architectural Examiners, testified against the bill. Mr. Stephen F. Shaw, an attorney representing the Texas Society of Landscape Architects, testified against the bill. Mr. Robert W. Caldwell, member of the Texas Board of Architectural Examiners, testified against the bill. No other witness testified for or against the bill.

The Chair referred H.B. No. 1291 to a subcommittee consisting of Mr. Cockerham, chairman, and Representatives Patterson and Buchanan, members.

Pursuant to an announcement from the Floor of the House, the Subcommittee on H.B. 1291 met on April 14, 1981, with Representatives Cockerham and Buchanan in attendance. Mr. Cockerham laid out C.S.H.B. 1291 and Amendment No. 1 for consideration. Mr. Buchanan moved that the amendment be adopted. Mr. Cockerham concurred. Mr. Cockerham then moved that C.S.H.B. 1291, as amended, be reported back to the full committee favorably, with the recommendation that it do pass. Mr. Buchanan concurred.

Representative Cockerham presented the subcommittee's report on H.B. 1291 during the regularly scheduled meeting of the Committee on Natural Resources on April 14, 1981. Mr. Cockerham moved that the subcommittee report be adopted. The motion prevailed with one dissenting voice vote. Mr. Cockerham then moved that H.B. 1291, as amended in subcommittee, be referred back to the House favorably, with the recommendation that it do pass. Upon being duly seconded, the motion failed with the following record vote: three ayes, four nays, two present not voting, and two absent.

Representative Cockerham presented the subcommittee's report on H.B. 1291 during the regularly scheduled meeting of the full committee on April 21, 1981. A substitute bill incorporating the amendment adopted in subcommittee had been prepared, and Mr. Cockerham moved that it be adopted. The voice vote was a unanimous aye. Mr. Cockerham then moved that the bill be reported back to the House favorably, with the recommendation that it do pass and be not printed; a complete substitute is recommended in lieu of the original measure. Upon being duly seconded, the motion passed with eight ayes, one nay, two absent.

Comparison of H.B. 1291 and C.S.H.B. 1291

Referring to the employment or contracting of personnel or services provided, Section 2(a) states that the executive secretary may employ necessary staff to administer this Act. The Committee Substitute states that the executive secretary of the Board of Irrigators may contract with the executive director of TDWR for staff; if staff is unavailable the executive secretary may employ staff with the approval of the Board of Irrigators and the executive director of the Texas Department of Water Resources.

The substitute redefines "Irrigator."

C.S.H.B. 1291 amends existing law and proposes new law.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 10, 1981

Honorable Tom Craddick, Chairman  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: House Bill No. 1291  
By: Hill

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of House Bill No. 1291 (relating to the regulation of irrigators and installers of irrigation systems) to be as follows:

The bill would make no appropriation but could provide the legal basis for a request for funds to implement the provisions of the bill.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the Board of Irrigators Fund 468</u>	<u>Change in Number of State Employees from Fy 1981</u>
1982	\$ 37,663	+ 2
1983	35,263	+ 2
1984	35,263	+ 2
1985	35,263	+ 2
1986	35,263	+ 2

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

Source: Board of Irrigators; LBB Staff: TK, JH, NH, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 21, 1981

Honorable Tom Craddick, Chairman  
Committee on Natural Resources  
House of Representatives  
Austin, Texas

In Re: Committee Substitute for  
House Bill No. 1291

Sir:

In response to your request pursuant to House Rules, Section 3.119, this office finds the fiscal implications of the Committee Substitute for House Bill No. 1291 (relating to the regulation of irrigators and installers of irrigation systems) to be as follows:

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Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication or additional cost to units of local government attributable to the bill, should it be enacted, is anticipated.

  
Thomas M. Keel  
Director

ADOPTED

APR 30 1981

By Gerald Hill

Substitute the following for H.B. 1291

By Cocherham

Office amended to conform to H.B. 1291  
H.B. 1291  
Chief Clerk  
House of Representatives  
C.S.H.B. No. 1291

Approved:

by phone 4/29/81  
(Author)

A BILL TO BE ENTITLED

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irrigation systems; amending Sections 1, 5(a) and (b), 8(a),  
and 12(a), Chapter 197, Acts of the 66th Legislature, 1979  
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of the board.

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1 system or any water supply. The term does not include

2 (a) a person who assists in the installation, maintenance,  
3 alteration, repair, or service of an irrigation system under  
4 the direct supervision of a licensed irrigator, and

5 (b) an owner of a business that regularly employs a licensed  
6 irrigator who directly supervises the business's sale, design,  
7 consultation, installation, maintenance, alteration, repair,  
8 and service of irrigation systems.

9 (8) [~~47~~] "Licensed irrigator" means an irrigator who  
10 is [a-person] licensed under this Act [who-maintains-a-regular  
11 place-of-business-and-who-by-himself-or-herself-or-through-a  
12 person-in-his-or-her-employ-sells,-designs,-consults,-installs,-  
13 maintains,-alters,-repairs,-or-services-an-irrigation-system  
14 or-yard-sprinkler-system-including-connections-in-and-to-a  
15 private-or-public-raw-or-potable-water-supply-or-water-supply  
16 system].

17 (9) "Installer" means a person who actually connects  
18 an irrigation system to a private or public, raw or potable  
19 water supply system or any water supply.

20 (10) [~~48~~] "Licensed installer" means an installer who  
21 is licensed under this Act [a-person-who-performs-the-actual  
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3       board. On approval of the board the executive secretary  
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7       with approval of the board and the executive director may  
8       employ such staff.

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SECOND READING

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(8) [(7)] "Licensed irrigator" means an irrigator who is [a person] licensed under this Act [~~who-maintains-a-regular--place--of business--and--who-by-himself-or-herself-or-through-a-person-in-his or--her--employ--sells,--designs,--consults,--installs,--maintains, alters,--repairs,--or-services-an-irrigation-system-or-yard-sprinkler system--including--connections-in-and-to-a-private-or-public-raw-or potable-water-supply-or-water-supply-system~~].

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17 amended to read as follows:

18 (a) A person who represents himself or herself as a licensed  
19 irrigator or licensed installer in this state without being  
20 licensed [~~registered~~] or exempted under this Act, who presents or  
21 attempts to use as his or her own the certificate of registration  
22 or the seal of another person who is a licensed irrigator or  
23 licensed installer, who gives false or forged evidence of any kind  
24 to the board or to any member of the board in obtaining or  
25 assisting in obtaining for another a certificate of registration,  
26 or who violates a provision of this Act or a rule adopted under  
27 this Act shall be guilty of a Class C misdemeanor. Each day a

1 violation of this subsection occurs constitutes a separate offense.

2         SECTION 5.   The importance of this legislation and the  
3 crowded condition of the calendars in both houses create an  
4 emergency and an imperative public necessity that the  
5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended,  
7 and that this Act take effect and be in force from and after its  
8 passage, and it is so enacted.

F

# HOUSE ENGROSSMENT

SPECIAL PRINTING

By Hill of Travis

H.B. No. 1291

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of irrigators and installers of  
irrigation systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1, Chapter 197, Acts of the 66th  
Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
amended to read as follows:

Sec. 1. DEFINITIONS. In this Act:

(1) "Person" means a natural person.

(2) "Board" means the Texas Board of Irrigators.

(3) "Executive director" means the executive director of the  
Texas Department of Water Resources.

(4) "Executive secretary" means the executive secretary of  
the board.

(5) "Commission" means the Texas Water Commission.

(6) "Irrigation system" means an assembly of component parts  
permanently installed with and for the controlled distribution and  
conservation of water for the purpose of irrigating any type of  
landscape vegetation in any location or for the purpose of dust  
reduction or erosion control.

(7) "Irrigator" means a person who sells, designs, consults,  
installs, maintains, alters, repairs, or services an irrigation  
system including the connection of such system in and to a private  
or public, raw or potable water supply system or any water supply.

The term does not include (a) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of a licensed irrigator, and (b) an owner of a business that regularly employs a licensed irrigator who directly supervises the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems.

(8) [~~7~~] "Licensed irrigator" means an irrigator who is [a person] licensed under this Act [who-maintains-a-regular--place--of business--and--who-by-himself-or-herself-or-through-a-person-in-his or--her--employ--sells,--designs,--consults,--installs,--maintains, alters,--repairs,--or--services-an-irrigation-system-or-yard-sprinkler system--including--connections-in-and-to-a-private-or-public-raw-or potable-water-supply-or-water-supply-system].

(9) "Installer" means a person who actually connects an irrigation system to a private or public, raw or potable water supply system or any water supply.

(10) [~~8~~] "Licensed installer" means an installer who is licensed under this Act [a--person--who--performs--the--actual connection-to--private--or--public--raw--or--potable--water--supply systems].

SECTION 2. Sections 5(a) and (b), Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The board may employ an executive secretary [~~approved-by the--executive--director~~] to perform the duties and functions provided by this Act and as directed by the board. On approval of

1 the board the executive secretary may contract with the executive  
 2 director for staff necessary to assist in the administration of  
 3 this Act. In the event staff is unavailable through contract, the  
 4 executive secretary with approval of the board and the executive  
 5 director may employ such staff.

6 (b) The executive director shall provide necessary services  
 7 [~~personnel~~] as available to assist the executive secretary and the  
 8 board in performing their duties and functions under this Act.

9 SECTION 3. Section 8(a), Chapter 197, Acts of the 66th  
 10 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
 11 amended to read as follows:

12 (a) No person may act as an [~~a--licensed~~] irrigator or  
 13 [~~licensed~~] installer unless he or she has a valid certificate of  
 14 registration under this Act.

15 SECTION 4. Section 12(a), Chapter 197, Acts of the 66th  
 16 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
 17 amended to read as follows:

18 (a) A person who represents himself or herself as a licensed  
 19 irrigator or licensed installer in this state without being  
 20 licensed [~~registered~~] or exempted under this Act, who presents or  
 21 attempts to use as his or her own the certificate of registration  
 22 or the seal of another person who is a licensed irrigator or  
 23 licensed installer, who gives false or forged evidence of any kind  
 24 to the board or to any member of the board in obtaining or  
 25 assisting in obtaining for another a certificate of registration,  
 26 or who violates a provision of this Act or a rule adopted under  
 27 this Act shall be guilty of a Class C misdemeanor. Each day a



1 violation of this subsection occurs constitutes a separate offense.

2 SECTION 5. The importance of this legislation and the  
3 crowded condition of the calendars in both houses create an  
4 emergency and an imperative public necessity that the  
5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended,  
7 and that this Act take effect and be in force from and after its  
8 passage, and it is so enacted.

ALTEE REPORT FORM

McKnight

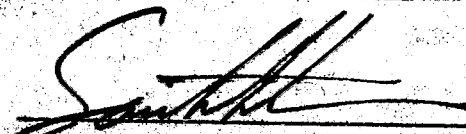
5/21/81

Date of report to Senate

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on NATURAL RESOURCES to which was referred  
H. R. No. 1291 have had the same under consideration, and I am instructed to report it back to the Senate  
with the recommendation that it do pass and be printed.

  
Chairman

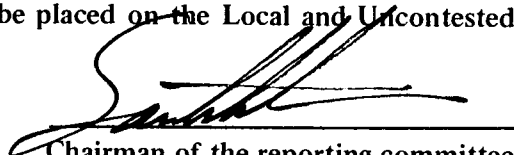
REQUEST FOR LOCAL & UNCONTESTED CALENDAR  
PLACEMENT

Hon. Roy Blake, Chairman  
Administration Committee

Sir:

Pursuant to S.R. 148, notice is hereby given that HB 1291, by: McKnight,

was heard by the Committee on NATURAL RESOURCES on May 20, 1981,  
and reported out with the recommendation that it be placed on the Local and Uncontested  
Calendar.

  
Chairman of the reporting committee

**IMPORTANT:** THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL  
OR RESOLUTION, WHICH ALONG WITH 7 ADDITIONAL COPIES OF THE BILL OR  
RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE COMMITTEE ON  
ADMINISTRATION, ROOM G-27J. PLEASE CALL 5-1134 IF YOU HAVE ANY  
QUESTIONS. **DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS**  
**5:00 P.M. MONDAYS.**



The term does not include (a) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of a licensed irrigator, and (b) an owner of a business that regularly employs a licensed irrigator who directly supervises the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems.

(8) [(7)] "Licensed irrigator" means an irrigator who is [a person] licensed under this Act [~~who-maintains-a-regular-place--of business--and--who-by-himself-or-herself-or-through-a-person-in-his or--her--employ--sells,--designs,--consults,--installs,--maintains, alters,--repairs,--or-services-an-irrigation-system-or-yard-sprinkler system--including--connections-in-and-to-a-private-or-public-raw-or potable-water-supply-or-water-supply-system~~].

(9) "Installer" means a person who actually connects an irrigation system to a private or public, raw or potable water supply system or any water supply.

(10) [(8)] "Licensed installer" means an installer who is licensed under this Act [~~a--person--who--performs--the--actual connection-to--private--or--public--raw--or--potable--water--supply systems~~].

SECTION 2. Sections 5(a) and (b), Chapter 197, Acts of the 66th Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The board may employ an executive secretary [~~approved-by the--executive--director~~] to perform the duties and functions provided by this Act and as directed by the board. On approval of

1 the board the executive secretary may contract with the executive  
2 director for staff necessary to assist in the administration of  
3 this Act. In the event staff is unavailable through contract, the  
4 executive secretary with approval of the board and the executive  
5 director may employ such staff.

6 (b) The executive director shall provide necessary services  
7 [~~personnel~~] as available to assist the executive secretary and the  
8 board in performing their duties and functions under this Act.

9 SECTION 3. Section 8(a), Chapter 197, Acts of the 66th  
10 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
11 amended to read as follows:

12 (a) No person may act as an [~~a--licensed~~] irrigator or  
13 [~~licensed~~] installer unless he or she has a valid certificate of  
14 registration under this Act.

15 SECTION 4. Section 12(a), Chapter 197, Acts of the 66th  
16 Legislature, 1979 (Article 8751, Vernon's Texas Civil Statutes), is  
17 amended to read as follows:

18 (a) A person who represents himself or herself as a licensed  
19 irrigator or licensed installer in this state without being  
20 licensed [~~registered~~] or exempted under this Act, who presents or  
21 attempts to use as his or her own the certificate of registration  
22 or the seal of another person who is a licensed irrigator or  
23 licensed installer, who gives false or forged evidence of any kind  
24 to the board or to any member of the board in obtaining or  
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26 or who violates a provision of this Act or a rule adopted under  
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5 constitutional rule requiring bills to be read on three several  
6 days in each house be suspended, and this rule is hereby suspended,  
7 and that this Act take effect and be in force from and after its  
8 passage, and it is so enacted.

H.B. No. 1291

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1291 was passed by the House on May 1, 1981, by the following vote: Yeas 114, Nays 10, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 1291 was passed by the Senate on May 30, 1981, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor



H. B. No. 1291

By G. Hill

A BILL TO BE ENTITLED  
AN ACT

relating to the regulation of irrigators and installers of  
irrigation systems.

FEB 19 1981

1. Filed with the Chief Clerk.

FEB 23 1981

2. Read first time and Referred to Committee on

Natural Resources

APR 21 1981

3. Reported favorably (~~as amended~~) (as substituted) and sent to Printer at 11:55am

APR 22 1981

APR 22 1981

4. Printed and distributed at 4:14 pm.

APR 22 1981

5. Sent to Committee on Calendars at 4:33 p.m.

APR 30 1981

6. Read second time (~~amended~~) Subs.; passed to third reading (~~failed~~) by (Non-Record Vote) (Record Vote of        years,        nays,        present, not voting).

7. Motion to reconsider and table the vote by which H.B.        was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of        years,        nays, and        present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of        years,        nays, and        present, not voting.

MAY 1 1981

9. Read third time (~~amended~~); finally passed (~~failed~~) by (~~Non-Record Vote~~) (Record Vote of 114 years, 10 nays, 1 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B.        was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of        years,        nays, and        present, not voting).

MAY 1 1981

12. Ordered Engrossed at 6:30 pm

MAY 4 1981

13. Engrossed.

MAY 4 1981

14. Returned to Chief Clerk at       

MAY 4 1981

15. Sent to Senate.

Betty Murray  
Chief Clerk of the House

MAY 4 1981

16. Received from the House

MAY 5 1981

NATURAL RESOURCES

17. Read, referred to Committee on       

MAY 21 1981

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)  
(       years,        nays.)

MAY 30 1981

Laid before The Senate.

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 30 1981

23. Read second time \_\_\_\_\_ passed to third reading by:

(viva voce vote)

\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

24. Caption ordered amended to conform to body of bill.

MAY 30 1981

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 30 1981

26. Read third time and passed by

(a viva voce vote.)

(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

Betty King  
Secretary of the Senate

May 30, 1981

27. Returned to the House.

MAY 30 1981

28. Received from the Senate (~~with amendments~~) (~~as substituted~~)

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 30 1981

32. Ordered Enrolled at 12:50 pm

1981 APR 22 PM 4:14

HOUSE OF REPRESENTATIVES

HOUSE OF REPRESENTATIVES  
1981 MAY -4 AM 8:41

NR